



REPRESENTING  
**ALEX SINK**  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

**MARION COUNTY**  
**CLERK OF CIRCUIT COURT**  
**BUDGET REVIEW**

REPORT DATE:  
November 26, 2007

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# ALEX SINK

## CHIEF FINANCIAL OFFICER

### INTRODUCTION

The Department of Financial Services (DFS) has completed a review of the budget certifications made by the Marion County Clerk of Circuit Court's Office to the Clerks of Court Operations Corporation (CCOC), pursuant to Section 28.35(3)(b), Florida Statutes (F.S.). The scope of our review focused on validating the processes and methodologies utilized in the development of the Clerk's budgets for fiscal years 2005-2006 (FY 05-06) and 2006-2007 (FY 06-07).

The Chief Financial Officer (CFO) has contracted with CCOC to establish a process for review and certification of court-related budgets submitted by the Clerks of Circuit Courts. The CCOC is responsible for calculating the maximum authorized annual budget, identifying budgets exceeding the maximum expenditure amounts for a standard list of court-related functions and identifying budgets that have insufficient revenues to cover court-related expenditures, pursuant to Section 28.36, F.S.

### SUMMARY

- The FY 05-06 and FY 06-07 approved budgets were \$5,350,299 and \$5,903,549 respectively.
- Marion County has a population of 315,497 and had 136.55 and 138.52 Full Time Employees (FTEs) budgeted to support court-related activities for FY 05-06 and FY 06-07 respectively.
- Budgeted revenues and expenditures for FY 05-06 were \$7,184,200 and \$5,350,299 respectively, resulting in a budgeted surplus of \$1,833,901. Actual revenues and expenditures as reported by the Clerk for FY 05-06 detail a surplus of \$560,074. The Clerk remitted the FY 05-06 surplus to the Department of Revenue (DOR) on December 28, 2006 for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.
- Budgeted revenues and expenditures for FY 06-07 are \$7,344,000 and \$5,903,549 respectively, resulting in a \$1,440,451 budgeted surplus. Monthly payments to the Clerks of the Court Trust Fund are scheduled to liquidate the Clerk's projected surplus pursuant to CCOC directive.

- The Clerk has an internal system and reporting procedures for measuring and reporting on all required performance standards.

## **SCOPE, OBJECTIVES AND METHODOLOGY**

### **Scope**

The Scope of our review included an analysis of the development of the Clerk's FY 05-06 and FY 06-07 budgets. Our review was conducted on September 5 - 7, 2007 at the Marion County Clerk of Circuit Court's Office.

### **Objectives and Methodology**

The budget review was conducted with the following objectives:

- Each Clerk shall develop a budget funded from fees, services charges, court costs and fines, pursuant to Sections 28.35, 28.36 and 28.37, F.S. Clerks must provide detailed information on expenditures necessary for the performance of court-related functions using the court-related codes in the Uniform Accounting System Manual (UASM). The budget shall be submitted annually to CCOC for review and approval. The CCOC budget approval process focuses on the following key components:
  - Overhead Cost Allocation – The Marion County Clerk's Office applied a 63.13 percent cost allocation rate to the FY 05-06 certified annual budgets. A 60.55 percent cost allocation rate is being utilized for the FY 06-07 budget.
  - Our review of supporting documentation disclosed that the methodologies used to calculate and distribute overhead costs were reasonable.
  - Distribution of Court-Related FTEs – The Marion County Clerk's Office budgeted 136.55 of 216.30 and 138.52 of 228.78 FTEs for FY 05-06 and FY 06-07 respectively, to support court-related functions.
  - General Fund Expenditures – The final approved budget for FY 05-06 was \$5,350,299. Major expenditure categories were: Personal Services (\$5,071,374) and Operating Expenses (\$278,925). The final approved budget for FY 06-07 is \$5,903,549. Major expenditure categories are: Personal Services (\$5,185,587) and Operating Expenses (\$717,962).
  - Revenue Forecasting – Budgeted revenues of \$7,184,200 and \$7,344,000 were calculated for FY 05-06 and FY 06-07 respectively, based on prior period data and management's assessment of future operational activities.
  - Our review determined that the Clerk's FY 05-06 and FY 06-07 budgets were prepared pursuant to CCOC instructions and submitted in accordance with the provisions of Section 28.36, F.S.
- Expenditures during the review period were limited to court-related functions as specified in Section 28.35(4)(a), F.S.

- Revenues for fees, services charges, court costs and funding for court-related functions for FY 05-06 were assessed pursuant to the provisions of Chapter 28, F.S. The Clerk’s budget for FY 06-07 is based on projected revenues from the same sources, pursuant to Section 28.36, F.S.
- Clerks are required to maintain a partial fee payment system, pursuant to Section 28.246, F.S. The Marion County Clerk’s Office is currently utilizing an internal database system to account for partial fee payments. The Clerk is contracting with an external collection agency to assist with collecting delinquent accounts more than 90 days past due.
- Marion County Clerk of Court was designated a “donor” office for FY 05-06 by CCOC based upon a budgeted surplus of \$1,833,901. Monthly remittances to the Clerks of the Court Trust Fund were scheduled to liquidate the Clerk’s projected surplus pursuant to CCOC directive. The Clerk reported a FY 05-06 surplus of \$560,074 based on actual revenues and expenditures of \$7,675,934 and \$7,115,860 respectively. The Clerk remitted the FY 05-06 surplus to DOR on December 28, 2006 for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.
- The Marion County Clerk of Court is designated a “donor” office for FY 06-07 by CCOC based upon a budgeted surplus of \$1,440,451. Projected revenues and expenditures for FY 06-07 are \$7,344,000 and \$5,903,549 respectively. Through the time of our review (July 2007), the Clerk’s Office reported an actual FY 06-07 surplus of \$1,181,652 based on revenues and expenditures of \$6,859,909 and \$5,678,257 respectively. Clerks are required to remit monthly one-third of all excess income, pursuant to Section 28.37(2), F.S. Our review concluded the Marion County Clerk’s Office is currently meeting this requirement.
- The following performance measures were adopted by CCOC, pursuant to Section 28.35, F.S., for FY 05-06 and FY 06-07:

Outputs – The outputs consist of the number of civil cases filed and the number of criminal defendants handled, by Court Divisions, as identified by the Clerk’s Office. The Clerk reported 65,716 new cases filed and 21,609 defendants during FY 05-06. The Clerk reported 52,671 new cases filed and 16,896 defendants through the third quarter of FY 06-07.

- Outcome Measures – Timeliness and Collection Rate:

Timeliness – New cases opened within a designated number of business days after the initial filing. The Clerk has the ability to collect data and report timeliness measures on new cases. The Clerk reported meeting or exceeding 20 of 20 performance standards to CCOC for FY 05-06. The Clerk reported meeting or exceeding 20 of 20 performance standards to CCOC for the third quarter of FY 06-07.

- Collection Rate – The collection rate is calculated by dividing collections by the adjusted assessments. The Clerk reported meeting or exceeding 8 of 9 collections performance standards to CCOC for FY 05-06. The Clerk reported meeting or exceeding 9 of 9 collections performance standards to CCOC for the third quarter of FY 06-07.

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## FINDINGS AND RECOMMENDATIONS

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### **Finding:**

Based upon our review, we found the Clerk’s budgeting practices and expenditure and revenue methodologies for State funds to be efficient and accurate. We concluded the Marion County Clerk’s Office is currently able to report on all required performance standards.

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## REVIEW TEAM

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Burton Marshall, *Chief, Bureau of Local Government*  
Priscilla Bailey-Brown, *Financial Administrator*  
Mark Gressel, *Professional Accountant Specialist*  
Bob Johnson, *Professional Accountant Specialist*  
Angie Lawson, *Professional Accountant Specialist*  
Jessica Robinson, *Professional Accountant Specialist*

# APPENDIX

## Appendix A



REPRESENTING  
**ALEX SINK**  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

July 31, 2007

The Honorable David Ellspermann  
Clerk of Circuit Court  
Marion County  
110 Northwest 1<sup>st</sup> Avenue  
Ocala, Florida 34475

Dear Mr. Ellspermann:

The Department of Financial Services (DFS) has scheduled a review of your budget processes in accordance with Section 28.35, Florida Statutes. The dates mutually selected for this review are September 5 – 6, 2007. Our review will encompass the following objectives: Analyze the methodologies used to develop both the current and prior fiscal years Clerks of Court Operations Corporation (CCOC) certified budget; review expenditures to ensure compliance with Florida Statutes; analyze projected and year-to-date revenues; and review methods used to collect and report data regarding performance measures.

To minimize disruptions to your daily operations, we request you have the following available upon our arrival:

1. Current organization chart.
2. Internal documentation of methodologies used to allocate FTEs to court-related activities.
3. Payroll subsidiary ledger for the most recent pay date and current annual salary listing by employee.
4. Listing of General Ledger codes (500-700 range) used in conjunction with the chart of accounts.
5. General Ledger report of court-related revenues and expenditures for FY 05-06 and FY 06-07 (through June 2007).
6. Revenue and Expenditure Tracking Reports submitted to CCOC for FY 05-06 and FY 06-07 (through June 2007).
7. Copies of monthly transmittals to the Department of Revenue for revenues remitted, pursuant to Sections 28.241(1)(a), 28.37(2) and 28.37(4), Florida Statutes.
8. Report detailing outstanding balance for each partial payment account.

FLORIDA DEPARTMENT OF FINANCIAL SERVICES  
Burton S. Marshall, CPA • Chief  
Division of Accounting and Auditing • Bureau of Local Government  
200 E. Gaines St. • Tallahassee, FL 32399-0354 • Tel. 850-413-5588 • Fax 850-413-5548 • SC 293-5588  
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Affirmative Action • Equal Opportunity Employer

## Appendix A (continued)

The Honorable David Ellspermann  
July 31, 2007  
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9. Contract, outstanding balance of accounts assigned, and supporting records for remittances by collection agency for FY 05-06 and FY 06-07, if applicable.
10. Submissions of timeliness and collections performance measure data and any related supporting documentation to CCOC for FY 05-06 and FY 06-07.
11. Any internal documentation used to complete a Budget Amendment Request(s) approved by CCOC, if applicable.
12. Annual Financial Report and Audit Report for FY 05-06.

Please have the requested information available for fiscal years 2005-2006 and 2006-2007, as our review will cover both periods. Mr. Bob Johnson, Ms. Jessica Robinson and Ms. Angie Lawson will represent DFS during this review.

We ask that you provide workspace for DFS and a lead from your staff to assist in the review. It is not our intent to disrupt your operations. You may contact us to reschedule if, for any reason, the dates selected cannot be accommodated. Please use Ms. Priscilla Bailey-Brown as our primary point of contact at (850) 413-5592 or [priscilla.bailey-brown@fldfs.com](mailto:priscilla.bailey-brown@fldfs.com).

Thank you for your advanced preparation. We look forward to working with you and your staff.

Sincerely,



Burton S. Marshall

BSM:cc

Appendix B



**Clerk of the Circuit Court**

*Marion County*  
Post Office Box 1030 • Ocala, Florida 34478-1030

**David R. Ellspermann**  
*Clerk of the Circuit Court*

November 13, 2007

Telephone (352) 671-5604  
Facsimile (352) 671-5600

Burton Marshall, Chief  
Bureau of Local Government  
Department of Financial Services  
200 East Gaines Street  
Tallahassee, Florida 32399-0354

Dear Mr. Marshall:

Thank you for giving Marion County the opportunity to respond to the Departments Budget Review Report resulting from the September visit by DFS staff.

We certainly appreciated the opportunity to work with the department on this review and are proud of the findings that Marion County's budgeting practices and expenditure and revenue methodologies for State funds are efficient and accurate. We look forward to the opportunity to work with Department staff on future reviews.

Sincerely,

David R. Ellspermann  
Clerk of the Circuit Court

cc: Priscilla Bailey-Brown  
Financial Administrator